

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
CIVIL MINUTES - GENERAL**

**CASE NO.: CV 11-6620-JVS (PJW)**

**Date: December 13, 2011**

**TITLE: *Rina S. Boivin v. City of Santa Maria, et al.***

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**PRESENT:**

**HON. PATRICK J. WALSH, MAGISTRATE JUDGE**

**Celia Anglon-Reed**  
**Deputy Clerk**

**N/A**  
**Court Reporter**

**ATTORNEYS PRESENT FOR PLAINTIFF:**

**None**

**ATTORNEYS PRESENT FOR DEFENDANTS:**

**None**

**PROCEEDINGS: Order to Show Cause (In Chambers)**

On August 11, 2011, Plaintiff filed a *pro se* civil rights Complaint under 42 U.S.C. § 1983 against Defendants the City of Santa Maria, the Santa Maria Police Department, and Officer Nathan Totorica, alleging that Officer Totorica used excessive force against her when he fired a taser gun at her and that the City and the police department are liable for the Totorica's use of excessive force. (Complaint at 6.) Plaintiff had 120 days, until December 9, 2011, to serve Defendants with the Summons and Complaint. Fed. R. Civ. P. 4(m). She has not filed a proof of service showing that she has done so nor has she requested an extension of time to do so.<sup>1</sup>

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<sup>1</sup> Plaintiff is not proceeding *in forma pauperis*, so the Court did not order the United States Marshal's Service to serve Defendants with the Summons and Complaint and Plaintiff did not ask the Court to do so. See Fed. R. Civ. P. 4(c)(3) ("At the plaintiff's request, the court may order that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court. The court must so order if the plaintiff is authorized to proceed in forma pauperis under 28 U.S.C. § 1915 . . . ."); Local R. 4-2 ("Except as otherwise provided by order of the Court, or when required by the treaties or statutes of the

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CIVIL -- GEN**

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Plaintiff has until **January 15, 2012** to either serve Defendants and file the proofs of service or provide the Court with good cause as to why she has not been able to do so. Absent a showing of good cause, the Court will not grant Plaintiff any additional time to serve Defendants and will instead dismiss the case. See Fed. R. Civ. P. 4(m) ("If a defendant is not served within 120 days after the complaint is filed, the court--on motion or on its own after notice to the plaintiff--must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period."). If Plaintiff fails to timely comply with this order, the Court will dismiss the case under Federal Rule of Civil Procedure 41(b).

CC:

Rina S. Boivin, *pro se*  
730 Raymond Ave.  
Santa Maria, California 93455

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United States, process shall not be presented to the United States Marshal for service.").

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